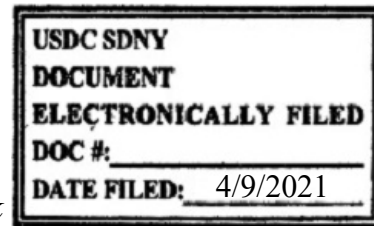




U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street, 3<sup>rd</sup> floor  
New York, NY 10007



April 9, 2021

**BY ECF**

Hon. Barbara C. Moses  
United States Magistrate Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

**MEMO ENDORSED**

Re: *Melendez v. Comm'r of Soc. Sec.*, No. 20 Civ. 6695 (BCM)

Dear Judge Moses:

This Office represents the Commissioner of Social Security (the “Commissioner”), the defendant in the above-referenced action, which the plaintiff brought pursuant to 42 U.S.C. § 405(g) seeking judicial review of the Commissioner’s decision to deny his application for Social Security disability benefits.

I respectfully write to request, with the plaintiff’s consent, a 30-day extension of time for the Commissioner to file the certified administrative record in this case, from April 9, 2021, to May 10, 2021. The Court previously granted the Commissioner’s two prior requests for 60-day extensions of time to file the certified administrative record, but ordered that no further extensions of the deadline to file the record would be granted absent compelling circumstances. (Dkt. Nos. 16, 18.) I have sought to expedite the preparation of this record and I apologize for the need to seek a third extension of time to file the record, but I respectfully submit that compelling circumstances exist here to justify an additional extension.

The COVID-19 pandemic has significantly impacted the operations of the Social Security Administration (“SSA”) and its Office of Appellate Operations (“OAO”) and materially affected its ability to prepare certified administrative records and to obtain transcriptions of hearing recordings from private contractors. As described in the attached Declaration of Jebby Rasputnis, dated February 10, 2021, beginning in mid-March 2020, the SSA restricted physical access to its buildings. (Rasputnis Decl. ¶ 2.) Since that time, OAO has been working to overhaul, redo, refine, and streamline its business processes to continue operations and has now reached and surpassed pre-pandemic levels of electronic productions of certified administrative records. (Rasputnis Decl. ¶ 2.) However, while the OAO transitioned to a fully virtual process, the number of new cases filed in federal court also increased, and the OAO continues to experience a backlog in the preparation of administrative records as a result of these circumstances. (Rasputnis Decl. ¶¶ 3-4.) The OAO continues to work on increasing productivity to address the backlog. (Decl. ¶¶ 5-6.)

As a result, I respectfully request that the Court grant the Commissioner's request for an additional 30-day extension of time to file the certified administrative record in this case, on consent of the parties. I thank the Court for its consideration of this request.

Respectfully,

AUDREY STRAUSS  
United States Attorney

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cc: Howard Olinksy, Esq. (by ECF)  
*Attorney for Plaintiff*

Application GRANTED. No further extensions  
will be granted. SO ORDERED.



Barbara Moses, U.S.M.J.  
April 9, 2021